



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 25, 2016

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. Presiding – the Speaker
4. MESSAGE – APPOINTMENT OF SEN. BILLOW KERROW TO THE PAN-AFRICAN PARLIAMENT

The Speaker conveyed the following Message from the Senate –

“Honourable Members,

Standing Order 41 relating to Messages requires the Speaker to report to the House any Messages received from the Senate. In this regard, I wish to report that I have received a Message from the Senate regarding the approval by the Senate, of Sen. Billow Kerrow, MP as a Member of the Pan-African Parliament to replace Sen. Kipchumba Murkomen, MP.

The Message states in part, and I quote, ***“That whereas Article 5 of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament provides for the election, tenure and vacancies of Members of the Pan-African Parliament; the Senate on Thursday, 18th February, 2016, debated and adopted a Motion on the approval of Sen. Billow Kerrow as a member of the Pan-African Parliament to replace Sen. Kipchumba Murkomen.”*** The Senate now seeks the concurrence of the National Assembly on the resolution.

Hon. Members, Standing Order 41(6) states,

“(6) When the Speaker reports a message from the Senate under paragraph (4) or (5), the message shall be deemed to have been laid before the House and the Speaker may either-

(a) direct that the message be dealt with forthwith; or

(b) appoint a day for the consideration of the message; or

(c) refer the message to the relevant Committee of the House for consideration.”

Hon. Members, I am aware that the Pan-African Parliament will be having meetings from next week which require the participation of the Parliament of Kenya. To this end, I have directed that this matter be dealt with forthwith pursuant to the provisions of Standing Order 41(6)(a) aforesaid. Consequently, the matter has been listed as Order No. 12 in today's Order Paper.

I thank you!”

5. **PETITION**

The Member for Kathiani (Hon. Robert Mbui) presented a Petition on delayed re-construction of the Kathiani-Kangundo Bridge at River Thwake on behalf of the residents of Kathiani Constituency;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1)

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2014 and the certificates therein:-
 - (i) Local Authorities Provident Fund;
 - (ii) Constituency Development Fund – Bundalangi Constituency;
 - (iii) Constituency Development Fund – Taveta Constituency; and
 - (iv) Lake Basin Development Authority.
- (ii) The Report of the Auditor-General on the Financial Statements of Irrigation Scheme for the period ended 31st December, 2014 and the certificate therein;
- (iii) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2013 and the certificates therein:-
 - (i) Kenya Institute of Curriculum Development;
 - (ii) Northern Water Services Board;
 - (iii) Kibabii University College; and
 - (iv) Energy Regulatory Commission.
- (iv) The Annual Report and Financial Statements of the Postal Corporation of Kenya for the year ended 30th June 2014 and the certificate therein.

(The Leader of the Majority Party)

- (v) The Report of the Departmental Committee on Health on its consideration of the Petition by Kenya National Union of Nurses on the Health Bill, 2015.

(Chairperson, Departmental Committee on Health)

7. **NOTICE OF MOTION** –

The following Notice of Motion was issued:

MOTION – DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER
(Hon. William Cheptumo, M.P.)

THAT, aware that cattle rustling is a major menace and security threat in the South and North Rift regions and other regions in the country; noting that cattle rustling leaves behind destruction of property and loss of lives; deeply concerned that the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to the emergency of Internally displaced persons (IDPS),

disruption of educational programmes and other economic activities owing to the destruction and/or closure of educational, health and other institutions; deeply concerned that the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution; this House urges that the National Government declares cattle rustling as a national disaster and establishes a Special Fund to be used in mitigating the losses suffered by and in compensating all victims of cattle rustling and resettle all Internally displaced persons across the country created by the menace.

8. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2) (a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, March 01, 2016.

9. **MOTION – THE PRESIDENT’S RESERVATIONS TO THE NATIONAL EMPLOYMENT AUTHORITY BILL, 2015**

Order for Motion read;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the whole House on its consideration of the President’s Reservations to the National Employment Authority Bill (National Assembly Bill No. 8 of 2015)

(The Leader of the Majority Party – 24-02.2016)

Debate on the Motion having been concluded on Wednesday, February 24, 2016 (Afternoon Sitting);

Question put and agreed to.

10. **MOTION – THE PRESIDENT’S RESERVATIONS TO THE SMALL CLAIMS COURT BILL, 2015**

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the whole House on its consideration of the President’s Reservations to the Small Claims Court Bill (National Assembly Bill No. 51 of 2015)

(The Leader of the Majority Party – 24-02.2016)

Debate on the Motion having been concluded on Wednesday, February 24, 2016 (Afternoon Sitting);

Question put and agreed to.

11. **THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Basic Education (National Assembly Bill No.35 of 2014) be now read a Third Time

(Chairperson, Departmental Committee on Education, Science and Technology)

Debate on the Third Reading having been concluded on Wednesday, February 24, 2016 (Morning Sitting);

Question put and agreed to;

Bill read a Third Time and **passed**.

12. **THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2015)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Engineering Technologists and Technicians Bill (National Assembly Bill No.7 of 2015) be now read a Third Time

(The Hon. Cecilia Ng'etich)

There being no Members wishing to debate;

Question put and agreed to;

Bill read a Third Time and **passed**.

13. **CONCURRENCE MOTION – APPOINTMENT OF SEN. BILLOW KERROW TO THE PAN AFRICAN PARLIAMENT**

Motion made and Question proposed –

THAT, pursuant to the provisions of Article 5 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan African Parliament and Standing Order 41(6)(a), this House concurs with the Senate and approves the appointment of Sen. Billow Kerrow, M.P. as a Member of the Pan African Parliament to replace Sen. Kipchumba Murkomen, M.P.

(Hon. Aden. Duale, Leader of Majority Party)

There being no Members wishing to debate;

Question put and agreed to;

14. **MOTION – APPOINTMENT OF MEMBERS TO THE COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND**

Motion made and Question proposed –

THAT, pursuant to the provisions of Section 50 of the National Government Constituencies Development Fund Act, 2015 and Standing Order 173, this House approves the appointment of the following Members to the National Government Constituency Development Fund Committee:-

- 1) The Hon. Moses Lessonet, M.P.
- 2) The Hon. Esther Gathogo, M.P.
- 3) The Hon. Maina Kamanda, M.P.
- 4) The Hon. Raphael Letimalo, M.P.
- 5) The Hon. Joseph Nakara, M.P.
- 6) The Hon. Mohammed Haji, M.P.
- 7) The Hon. Yusuf Chanzu, M.P.
- 8) The Hon. Abass Mohammed, M.P.
- 9) The Hon. Benson Mbai Itwiku, M.P.
- 10) The Hon. Silas Tiren, M.P.
- 11) The Hon. David Wafula, M.P.
- 12) The Hon. Elijah Mosomi Moindi, M.P.
- 13) The Hon. Eng. Nicholas Gumbo, M.P.
- 14) The Hon. Ogolla Gideon Ochanda, M.P.
- 15) The Hon. Kyengo Katatha Maweu, M.P.
- 16) The Hon. Kamoti Mwamkale, M.P.
- 17) The Hon. Abdikadir Ore, M.P.
- 18) The Hon. Joseph Obiero Ndiege, M.P.
- 19) The Hon. George Peter Kaluma Opondo, M.P.

(Hon. Katoo O. Metito - Majority Party Whip)

Debate arising;

Question put and agreed to.

15. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee called;

IN THE COMMITTEE

The Second Chairperson in the Chair

i) **The Legal Aid Bill (National Assembly Bill No. 35 of 2015)**
(The Leader of Majority Party)

Consideration deferred to another day.

ii) **Senate Amendments to the Climate Change Bill (National Assembly Bill No. 01 of 2014)**

Consideration on the Senate Amendments to the Climate Change Bill (National Assembly Bill No. 01 of 2014) having been concluded on Wednesday, February 24, 2016 (Morning Sitting), amendments to be reported.

16. HOUSE RESUMED - the Third Chairperson in the Chair

Senate Amendments to the Climate Change Bill (National Assembly Bill No. 01 of 2014)

Senate amendments reported;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Chairperson, Committee on Environment and Natural Resources)

Debate arising;

Question deferred.

17. MOTION – THE REPORT ON THE TERM OF THE TRANSITION AUTHORITY

Motion made and Question proposed –

THAT, this House notes the Report of the Constitutional Implementation Oversight Committee on Consideration of Extension of the Term of the Transition Authority, laid on the Table of the House on Thursday, 18th February, 2016.

(Chairperson, Constitution Implementation Oversight Committee)

Debate arising;

And the time being thirty minutes past Six O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. HOUSE ROSE - at thirty minutes past Six O'clock

MEMORANDUM

The Speaker will take the Chair on
Tuesday, March 01, 2016 at 2.30 p.m.

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